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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

WENDELL TANGARO,	)	CIVIL NO. 03-00211 DAE/LEK
	)	
Plaintiff,	)	PLAINTIFF'S RESPONSE TO
	)	DEFENDANTS JOSEPH BOTELHO
vs.	)	AND COUNTY OF HAWAI'I'S
	)	FIRST REQUEST FOR ANSWERS TO
JOSEPH BOTELHO, COUNTY OF	)	INTERROGATORIES AND REQUEST
HAWAI'I, AND JOHN DOES 1-10,	)	FOR PRODUCTION OF DOCUMENTS
	)	TO PLAINTIFF WENDELL
Defendants.	)	TANGARO; EXHIBIT A
	)	

PLAINTIFF'S RESPONSE TO DEFENDANTS JOSEPH BOTELHO  
AND COUNTY OF HAWAI'I'S FIRST REQUEST FOR ANSWERS  
TO INTERROGATORIES AND REQUEST FOR PRODUCTION  
OF DOCUMENTS TO PLAINTIFF WENDELL TANGARO

Plaintiff WENDELL TANGARO hereby submits the attached responses to Defendant Joseph Botelho and County of Hawai'i's First Request for Answers to Interrogatories and Request for Production of Documents to Plaintiff Wendell Tangaro.

DATED: Honolulu, Hawai'i, January 26, 2004.

  
ERIC A. SEITZ  
LAWRENCE I. KAWASAKI

Attorneys for Plaintiff

**EXHIBIT 4**

INTERROGATORIES

1. Please list and describe in complete detail each and every causes of action and the facts supporting each causes of action you allege against Defendant County of Hawai'i arising out of the incident of April 17, 2002.

Answer:

In the early morning of April 17, 2002 I was sleeping in the backseat of my friend's car. My friend (Justin Aoki) woke me, told me excitedly that "the cops" were coming, then ran away. I was currently on parole and fearful of being arrested, so I immediately climbed over into the driver's seat and locked the doors. While I was starting the car, I saw Officer Botelho approaching on the sidewalk to my left front. I shifted into reverse and was looking over my right shoulder when I was slammed backwards by a heavy blow and felt a burning sensation in my neck.

Then Officer Botelho was at the passenger window, weapon in hand, calling me "Punk" and "motherfucker" and screaming something about the door being locked. I remember the second police officer saying to me: "Stay awake. You've gotta talk to me," or something to that effect. I lost consciousness sometime after that.

2. Please list all individuals that were present or may have witnessed the alleged causes of action listed in the preceding interrogatory along with their address and phone number, with a description of what they may have observed.

Answer:

Joseph Botelho, the other police officer and Justin Aoki.

3. Please list and describe in complete detail each and every causes of action and the facts supporting each and every causes of action you allege against Defendant Joseph Botelho arising out of the incident on April 17, 2002.

Answer:

See answer to Interrogatory No. 1, above.

4. Please list all individuals that were present or may have witnessed the alleged causes of actions listed in the preceding interrogatory along with their address and phone number, with a description of what they may have observed.

Answer:

Joseph Botelho, the other police officer and Justin Aoki.

5. Please describe fully all consumption of alcohol or drugs by Plaintiff, Wendell Tangaro, within the 24 hours preceding the alleged incident giving the time of the consumption and the type and quantity of alcohol or drug consumed.

Answer:

I was using methamphetamine and marijuana for the duration of the preceding 24 hours. I had been awake for over 7 days when I passed out in Justin Aoki's car shortly before midnight.

6. Please describe Plaintiff Wendell Tangaro's activities within the 24 hours preceding the alleged incident.

Answer:

Visited friends, joined Justin Aoki about 12 hours before the incident. Someone was already in the front seat with Aoki, so I sat in the back. We rode around and stopped at a couple of friends' houses where we smoked ice and marijuana. Around midnight I got into the backseat and fell asleep.

7. Please describe the activities of Justin Aoki within the 24 hours preceding the alleged incident.

Answer:

I met Aoki at a friend's house where I was when he came in. We spent about 12 hours together driving around, visiting friends and smoking ice and marijuana. Shortly before midnight I fell asleep in the backseat of Aoki's car after he parked it on Shipman Street.

8. List with specificity all special damages you are claiming as a result of the actions of the Joseph Botelho and County of Hawai'i herein. Please specify the item for which you are claiming the damage as well as the amount.

Answer:

Mental, emotional, physical and neurological damage.

Paralysis of upper left arm, limited usage.

Frequent nightmares, constant headaches, severe upper back pains, chronic isomnia.

Scars on left side of neck and rear of left shoulder from bullet and surgery. Multiple scars on chest, right forearm, head and bottom lip from glass and bullet fragments.

Discovery on the issue is continuing and Plaintiff will supplement this response when additional information is received.

REQUEST FOR PRODUCTION NO. 1

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCF, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

All documents currently in Plaintiff's possession responsive to Defendants' Request For Production No. 1 are attached hereto as Exhibit A. Discovery is continuing and Plaintiff will supplement this response when additional documents are obtained.

9. State all physical and/or mental injuries or conditions claimed by you as a result of the actions of Defendants Joseph Botelho and County of Hawai'i.

Answer:

I still suffer physical, mental, emotional and neurological trauma as a result of Joseph Botelho's actions. I am no longer physically, mentally or emotionally able to hold a job. I am on medications and under psychiatric care. I am often incoherent, suffer from insomnia and nightmares.

REQUEST FOR PRODUCTION NO. 2

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCP, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

All documents currently in Plaintiff's possession responsive to Defendants' Request For Production No. 2 are attached hereto as Exhibit A. Discovery is continuing and Plaintiff will supplement this response when additional documents are obtained.

10. Please list the names and addresses of all health care providers, medical personnel, including but no limited to physicians, psychologists, psychiatrists, therapist you have consulted regarding any mental, physical and/or emotional distress you allege you suffered as a result of the actions of the Defendants Joseph Botelho and County of Hawai'i herein.

Answer:

Dr. Oldfather, Hilo Medical Center

Dr. Padaris, Hawai'i Community Correctional Center

Drs. Padaris and Sadonja, Waiawa Correctional Facility

Physical therapy, Aiea Medical Center

Neck x-rays, St. Francis Medical Center

REQUEST FOR PRODUCTION NO. 3

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCP, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

All documents currently in Plaintiff's possession responsive to Defendants' Request For Production No. 3 are attached hereto as Exhibit A. Discovery is continuing and Plaintiff will supplement this response when additional documents are obtained.

11. Please list the names and addresses of all health care providers, medical personnel, including but not limited to physicians, psychologists, psychiatrists, therapist you have consulted regarding any mental, physical and/or emotional distress you may have suffered prior to the alleged incident.

Answer:

Under psychiatric care at Halawa Correctional Facility intermittently since 1997. None outside of prison.

REQUEST FOR PRODUCTION NO. 4

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCp, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

Plaintiff is in possession of no documents responsive to Defendants' Request For Production No. 4. Discovery is continuing and Plaintiff will supplement this response if documents are obtained.

12. List all medical or health care expenses you allege were incurred by you as a result of the actions of the Defendants Joseph Botelho and County of Hawai'i herein.

Answer:

See my attorney of record for that information.

REQUEST FOR PRODUCTION NO. 5

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCp, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

All documents currently in Plaintiff's possession responsive to Defendants' Request For Production No. 5 are attached hereto as Exhibit A. Discovery is continuing and Plaintiff will supplement this response if additional documents are obtained.

13. Please list all facts which support your claim for punitive damages or exemplary damages as outlined in your complaint.

Answer:

See my attorney of record for that information.

REQUEST FOR PRODUCTION NO. 6

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCP, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

Plaintiff is in possession of no documents responsive to Defendants' Request For Production No. 6. Discovery is continuing and Plaintiff will supplement this response if documents are obtained.

14. If you are claiming any loss of earnings as a result of the incident, state the periods of time that you were off work, name of employer, rate of pay, and the amount of such loss. If you are self-employed, please set forth the basis and calculations upon which you make your loss of earnings claim.

Answer:

N/A

REQUEST FOR PRODUCTION NO. 7

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCP, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

N/A

15. What loss of earnings, if any, do you believe you will incur in the future as a result of the incident?

Answer:

Disabled permanently as a result of severe physical, mental and emotional trauma and neurological damages. See my attorney of record for about the amount of earnings I shall lose over a thirty-five year period.

REQUEST FOR PRODUCTION NO. 8

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCF, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

Plaintiff is in possession of no documents responsive to Defendants' Request For Production No. 8. Discovery is continuing and Plaintiff will supplement this response if and when such documents are obtained.

16. For any expert witness whom you expect to call upon to testify at trial, state the following information:
- a. Name, address, title and telephone number of each such expert.
  - b. The specialty or field of expertise of each such expert.
  - c. Describe each such expert's qualifications in the field of the expert's alleged expertise. (A current, complete copy of the expert's curriculum vitae may be submitted in response to this question).
  - d. The subject matter on which each such expert will testify.
  - e. The substance of the facts to which each such expert will testify.
  - f. The substance of the opinion or opinions to which each such expert will testify.
  - g. A summary of the grounds for each such opinion.



- h. For each such expert, state whether the expert has prepared any written report regarding any matter involved in this lawsuit.
- i. Identify all documents reviewed by or to which each such expert expects to refer to and/or rely upon in arriving at any of the expert's opinions or conclusions concerning the issues in this lawsuit.

Answer:

See my attorney of record for that information.

REQUEST FOR PRODUCTION NO. 9

YOU ARE HEREBY REQUESTED TO PRODUCE PURSUANT TO RULE 34(a), HRCF, EACH AND EVERY DOCUMENT OR OTHER WRITING AS ABOVE DEFINED, RELATING TO AND/OR CONCERNING YOUR ANSWER TO THE PRECEDING INTERROGATORY.

Response:

Plaintiff is in possession of no documents responsive to Defendants' Request For Production No. 9 at this time. Discovery is continuing and Plaintiff will supplement this response when such documents are obtained.

CERTIFICATION

1/21/04  
cel  
STATE OF HAWAI'I )

City & COUNTY OF HAWAI'I )

SS:

WENDELL TANGARO being first duly sworn, on oath, deposes and says that he has carefully reviewed the foregoing answers to interrogatories and that they are true and correct to the best of his knowledge, information and belief.

*Wendell Tangaro*  
*Wendell Tangaro*  
\_\_\_\_\_  
WENDELL TANGARO

Subscribed and sworn before me  
this 21<sup>st</sup> day of January, 2004.

*Cheryl R.L. Kaster*

Notary Public, State of Hawai'i

Print Name: CHERYL R.L. KASTER

My Commission expires: 4/24/05

